

## United States District Court

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA  
v.

## CRIMINAL COMPLAINT

Erasmio Avila Jr.

Case Number:

YOB: 1998 COB: United States

M-22- 1827 -M

United States Courts  
Southern District of Texas  
FILED

September 14, 2022

Nathan Ochsner, Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about September 13, 2022 in Starr County, in the  
Southern District of Texas

(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Raul Alejandro Noguera-Avila and Jazmin Judith Escobedo-Oropeza, citizens and nationals of Mexico, along with one (1) other undocumented alien, for a total of three (3) who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**I further state that I am a **U.S. Border Patrol Agent** and that this complaint is based on the following facts:

On September 13, 2022, a Border Patrol camera operator observed several people on the Mexico riverbank, south of Roma, Texas, near an area well known for alien smuggling. Border Patrol Agents responded and strategically concealed themselves in the area. Minutes later, an agent observed four (4) people cross the Rio Grande River and walk north towards a neighborhood. A short time later, a second agent observed the four (4) people walking north through the neighborhood where a Department of Public Safety (DPS) Criminal Investigations Division (CID) Special Agent observed the people board a maroon Chevrolet Tahoe. This information was relayed to agents and state law enforcement as the Tahoe departed the area. Shortly after, a responding Border Patrol Agent located the Tahoe, observed several people in the rear of the Tahoe, and activated his emergency equipment. Once the Tahoe came to a stop, agents observed several people exit the Tahoe and attempt to abscond. The driver, who was identified as Erasmio Avila Jr., remained in the Tahoe. Three (3) people were encountered near the Tahoe and were determined to be illegally present in the United States.

Avila and the three (3) undocumented aliens (UDAs) were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA Laura Garcia

Submitted by reliable electronic means, sworn to and attested  
telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

September 14, 2022 3:47 PM  
DateNadia S. Medrano, U. S. Magistrate Judge  
Name and Title of Judicial Officer

/s/ Jon M. Chan

Signature of Complainant

Jon M. Chan Border Patrol Agent

Printed Name of Complainant

at McAllen, Texas  
City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-22- 1827 -M**

**RE: Erasmo Avila Jr.  
CONTINUATION**

**Principal Sworn Statement**

Erasmo Avila Jr., a United States Citizen, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a statement.

Avila claimed he was contacted by a friend who offered him \$1,600 to pick up four (4) UDAs on Ebony Avenue in Roma, Texas. Avila said he traveled to Ebony Avenue, in a maroon Chevrolet Tahoe, where he parked, and instructed the four (4) UDAs to board his vehicle. After departing the area, Avila stated he saw Border Patrol turn on their lights and he pulled over. Avila added the people subsequently exited his vehicle and ran.

**Material Witness 1 Statement**

Raul Alejandro Noguera-Avila, a citizen of Mexico, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a statement.

Noguera claimed he agreed to pay \$1,700 to be smuggled into the United States. Noguera crossed the Rio Grande River with three (3) other people and a guide, who gave them directions to a paved road and told them a dark red enclosed truck was going to pick them up. Once at the road, Noguera mentioned they observed the dark red truck and the driver instructed them to board. Noguera said they drove for less than ten (10) minutes until the driver advised them there was law enforcement behind them and instructed them to get out and run. Noguera added they exited the truck and ran but they were apprehended.

**Material Witness 2 Statement**

Jazmin Judith Escobedo-Oropeza, a citizen of Mexico, was advised of her Miranda Rights, stated she understood her Rights, and agreed to provide a statement.

Escobedo agreed to pay \$600 as a down payment to be smuggled into the United States and was not sure the total amount she owed. Escobedo crossed the river with three (3) other people and a guide, who instructed them to walk through the brush and board a dark red enclosed truck. Once they arrived to a paved road, the dark red truck arrived and the driver instructed them to board. Escobedo described the driver as short and bald. Escobedo stated they drove for approximately eight (8) minutes until the driver told them to get out and they were later arrested.